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GOVERNMENT GAZETTE

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SUPPLEMENT

(SUPLEMENTO)

GOVERNMENT OF GOA, DAMAN AND DIU

ORDER

No. SPL/EST/63/8

In exercise of the powers conferred by the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962 and notwithstanding anything to the contrary contained in any law for the time being in force in these Territories, I hereby order as follows:

1. Short title and application. — (1) These Rules may be called the Goa, Daman and Diu Civil Service (Conduct) Rules, 1963.

(2) Except as otherwise provided by or under these rules, they shall apply to all persons appointed to civil services and posts in connection with the affairs of the Union Territory of Goa, Daman and Diu: Provided that rules 3A, 4A, 4B, 9, Explanation to sub-rule (2) of Rule 10, Rule 11, sub-rule (2) of Rule 12, Rule 13, sub-rule (1), (2) and (3) of Rule 15, Rule 16, 17 and 18 shall not apply to any Government servant drawing a pay of Rs. 500/- or less per mensem and holding a non-Gazetted post in any of the following establishments, other than railway establishment, owned or managed by the Government, namely:

- (i) Ports, docks, wharves or jetties;
- (ii) defence installations except training establishments;
- (iii) public works establishments, in so far as they relate to work-charged staff;
- (iv) irrigation and electric power establishment;
- (v) mines as defined in clause (j) of section 2 of the Mines Act, 1952 (35 of 1952);

- (vi) factories as defined in clause (m) of section 2 of the factories Act, 1948 (63 of 1948); and
- (vii) field units of the central tractor organisation employing workmen governed by labour laws.

Explanation: For the purpose of this proviso, «establishment» does not include any office mainly concerned with administrative, managerial, supervisory, security or welfare function.

2. In these rules, unless the context otherwise requires (a) «Government» means the Government of Goa, Daman and Diu.

Explanation: A Government servant whose services are placed at the disposal of a company, corporation or a local authority by the Government shall, for the purposes of these rules, be deemed to be a Government servant serving under the Government, notwithstanding that his salary is drawn from sources other than from the Government Treasury of Goa, Daman and Diu.

- (b) «Government servant» means any person appointed to any civil service or post in connection with the affairs of the Union Territory of Goa, Daman and Diu; and to whom no other services conduct rules made by the Central or the Government of any State in this behalf apply;
- (c) «Members of the family», in relation to a Government servant includes;
 - (i) the wife, child or step child of such Government servant whether residing with him or not, and in relation to a Government servant who is a woman, the husband residing with her and dependent on her; and

- (ii) any other person related, whether by blood or marriage to the Government servant or to such Government servant's wife or husband, and wholly dependent on such Government servant, but does not include a wife or husband legally separated from the Government servant, or child or step child who is no longer in any way dependent upon him or her, or of whose custody the Government servant has been deprived by law.

3. General.—Every Government servant shall at all times maintain absolute integrity and devotion to duty.

3A. Employment of near relatives of Govt. servants in private firms.—No Government servant belonging to a Goa, Daman and Diu Civil Service and drawing a salary of over Rs. 850/- per mensem shall, except with the previous sanction of the Government, permit his son, daughter or dependent to accept employment with any private firm with which he has official dealings, or with any other firm having official dealings with the Government.

Provided that where the acceptance of the employment cannot await the prior permission of the Government or is otherwise considered urgent, the matter shall be reported to the Government and the employment may be accepted provisionally subject to the permission of the Government.

4. Taking part in politics and elections.—(1) No Government servant shall be a member of or be otherwise associated with any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) It shall be the duty of every Government servant to endeavour to prevent any member of his family from taking part in, subscribing in aid of or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive of the Government as by law established and where a Government servant is unable to prevent a member of his family from taking part in, or subscribing in aid of, or assisting in any other manner any such movement or activity, he shall make a report to that effect to the Government.

(3) If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Government thereon shall be final.

(4) No Government servant shall canvass or otherwise interfere or use his influence in connection with, or take part in, an election to any legislature or local authority.

Provided that:—

- (i) a Government servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;
- (iii) a Government servant shall not be deemed to have contravened the provisions of this rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Explanation: The display by a Government servant on his person, vehicle or residence of any elec-

toral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

4A. Demonstrations and strikes.—No Government servant shall participate in any demonstration or resort to any form of strike in connection with any matter pertaining to his conditions of service.

4B. Joining associations by Government servants.—No Government servant shall join or continue to be a member of any Service Association of Government servants:

- (a) which has not, within a period of six months from its formation, obtained the recognition of the Government under the rules prescribed in that behalf, or
- (b) recognition in respect of which has been refused or withdrawn by the Government under the said rules.

5. Connection with the Press or Radio.—(1) No Government servant shall, except with the previous sanction of the Government, own wholly or in part, or conduct or participate in the editing or managing of, any newspaper or other periodical publication.

(2) No Government servant shall, except with the previous sanction of the Government or any other authority empowered by it in this behalf, or in the bonafide discharge of his duties participate in a Radio broadcast or contribute any article or write any letter either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

Provided that no such sanction shall be required if such broadcast or such contribution is of a purely literary, artistic or scientific character.

6. Criticism of Government.—No Government servant shall, in any Radio broadcast or in any document published anonymously or in his own name or in the name of any other person or in any communication to the Press or in any public utterance, make any statement of fact or opinion.

- (i) which has the effect of an adverse criticism of any current or a recent policy or action of the Central Government or a State Government or the Administration of Goa, Daman and Diu;
- (ii) which is capable of embarrassing the relations between the Central Government and the Government of any State; or
- (iii) which is capable of embarrassing the relations between the Central Government and the Government of any foreign State.

Provided that nothing in this rule shall apply to any statements made or views expressed by Government servant in his official capacity or in the due performance of the duties assigned to him.

7. Evidence before committee or any other authority.—(1) Save as provided in sub-rule (3), no Government servant shall, except with the previous sanction of the Government give evidence in connection with any inquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-rule (1) no Government servant giving such evidence shall criticise policy or any action of the Cen-

tral Government or of a State Government or of the Administration of Goa, Daman and Diu.

(3) Nothing in this rule shall apply to:

- (a) evidence given at an inquiry before an authority appointed by the Government, by Parliament or by a State Legislature; or
- (b) evidence given in any judicial inquiry; or
- (c) evidence given at any departmental inquiry ordered by authorities subordinate to the Government.

8. Unauthorised communication of information. — No Government servant shall, except in accordance with general or special order of the Government or in the performance in good faith of the duties assigned to him, communicate directly or indirectly, any official document or information to any Government servant or any other person to whom he is not authorised to communicate such documents or information.

9. Subscriptions. — No Government servant shall, except with the previous sanction of the Government or of such authority as may be empowered by it in this behalf, ask for or accept contributions to, or otherwise associate himself with the raising of, any fund in pursuance of any object whatsoever.

10. Gifts. — (1) Save as otherwise provided in these rules, no Government servant shall, except with the previous sanction of the Government, accept or permit his wife or any other member of his family to accept from any person any gift of more than trifling value;

Provided that gifts of a value, reasonable in all circumstances of the case, may be accepted from relations and personal friends or presented to such persons on occasions such as weddings, anniversaries, funerals and religious functions, when the making or receiving of such gifts is in conformity with the prevailing religious or social customs; but acceptance of such gifts other than those of a trifling value should be reported to the Government and the gifts shall be disposed of in such a manner as the Government may direct. *Explanation:* For the purpose of this sub-rule, any trowel, key or other similar articles offered to a Government servant at the laying of the foundation stone or the opening of a public building or any ceremonial function shall be deemed to be a gift.

(2) If a question arises whether any gift is of a trifling value or not, or where a Government servant is in any doubt whether a gift offered to him is of a trifling value or not, a reference shall be made to the Government by such Government servant and the decision of the Government thereon shall be final.

Explanation: Whether or not a gift should be treated as of a trifling value shall depend on who the donor is and the circumstances in which the gift is made. A gift exceeding in value 1/20th of the monthly emoluments of a Government servant or Rs. 20/- (whichever is less) from a person who is not his relation or personal friend shall ordinarily be regarded as a gift not of trifling value. Gifts from relatives and personal friends up to the value of 1/8th of the monthly emoluments of the Government servant or Rs. 50/- whichever is less, or even up to the value of one half of such emolu-

ments or Rs. 200/- whichever is less, on special occasions such as mentioned in the proviso to sub-rule (1) may be regarded as of trifling value.

(3) Nothing in this rule shall be deemed to prevent any Government servant from sitting, at the request of any public body for a portrait, bust or statue, not intended for presentation to him.

11. Public demonstrations in honour of Government servant. — No Government servant shall, except with the previous sanction of the Government, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other Government servant. Provided that nothing in this rule shall apply to:

- (i) a farewell entertainment of a substantially private and informal character held in honour of a Government servant or any other Government servant on the occasion of his retirement or transfer or any person who has recently quitted service of any Government; or
- (ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

12. Private trade or employment. — (1) No Government servant shall, except with previous sanction of the Government, engage directly or indirectly in any trade or business or undertake any employment; Provided that a Government servant may, without such sanction, undertake honorary work of social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer; but he shall not undertake or shall discontinue, such work if so directed by the Government.

Explanation: Canvassing by a Government servant in support of business of insurance agency, commission etc. owned or managed by his wife or any other member of his family shall be deemed to be a breach of this sub-rule.

(2) No Government servant shall, except with the previous sanction of the Government, take part in the registration, promotion or management of any bank or other company registered under the Indian Companies Act, 1913 (VII of 1913) or any other law for the time being in force. Provided that Government servant may take part in the registration, promotion or management of a cooperative society registered under the Co-operative Societies Act, 1912 (II of 1912) or any other law for the time being in force or of literary, scientific or charitable society registered under the Societies Registration Act, 1860 (XXI of 1860), or any corresponding law in force.

13. Investments, lending and borrowing. — (1) No Government servant shall speculate in any investment.

Explanation: The habitual purchase or sale of securities of a notoriously fluctuating value shall be deemed to be speculation in investments within the meaning of this sub-rule.

(2) No Government servant shall make, or permit his wife or any member of his family to make, any investment likely to embarrass or influence him in the discharge of his official duties.

(3) If any question arises whether a security or investment is of the nature referred to in sub-rule (1) or sub-rule (2) the decision of the Government thereon shall be final.

(4) No Government servant shall, except with the previous sanction of the Government, lend money to any person possessing land or valuable property within the local limits of his authority, or at interest to any person: Provided that a Government servant may make an advance of pay to a private servant, or give a loan of small amount free of interest to a personal friend or relative, even if such person possesses land within the local limits of his authority.

(5) No Government servant shall in the ordinary course of business with a bank or a firm of standing borrow money from or otherwise place himself under pecuniary obligation to any person within the local limits of his authority, or any other person with whom he is likely to have official dealings, nor shall he permit any member of his family, except with the previous sanction of the Government, to enter into any such transaction:

Provided that a Government servant may accept a purely temporary loan of small amount, free of interest, from a personal friend or relative or operate a credit account with a bonafide tradesman.

(6) When a Government servant is appointed or transferred to a post of such a nature as to involve him in the breach of any of the provisions of sub-rule (4) or sub-rule (5), he shall forthwith report the circumstances to the Government, and shall thereafter act in accordance with such orders as may be passed by the Government.

14. Insolvency & habitual indebtedness. — A Government servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Government servant who becomes the subject of a legal proceeding for insolvency shall forthwith report the full facts to the Government.

15. Movable, immovable and valuable property. —

(1) No Government servant shall, except with the previous knowledge of a prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family;

Provided that any such transaction conducted, otherwise than through a regular or reputed dealer shall require the previous sanction of the prescribed authority.

Explanation: (a) The prescribed authority for the purposes of this sub-rule shall be: —

- (i) the Government, in the case of all officers drawing a salary of more than Rs. 850/- per mensem except where any lower authority is specifically prescribed in respect of any categories of such officers.
- (ii) Heads of Departments, in the case of all officers drawing a salary of more than Rs. 500/- but less than Rs. 850/- per mensem.
- (iii) Heads of offices, in the case of officers drawing a salary of more than Rs. 30/- but less than Rs. 500/- per mensem.

(2) A Government servant who enters into any transaction concerning any movable property exceed-

ing one thousand rupees in value, whether by way of purchase, sale or otherwise, shall forthwith report such transaction to the prescribed authority, referred to in sub-rule (1).

Provided that no Government servant shall enter into any such transaction except with or through a regular or reputed dealer or agent or with the previous sanction of the said prescribed authority.

Explanation: For the purpose of this sub-rule, the expression «movable property» includes, inter alia, the following property namely: —

- (a) Jewellery, insurance policies, shares, securities and debentures;
- (b) loans advanced by such Government servant, whether secured or not;
- (c) motor cars, motor cycles, horses or any other means of conveyance, and
- (d) refrigerators, radios and radiograms.

(3) Every officer drawing a salary of more than Rs. 500/- per mensem shall, on first appointment in the Government service and thereafter at intervals of every twelve months, submit a return in such form as the Government may prescribe in this behalf, of all immovable property owned, acquired or inherited by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person.

(4) The Government or any authority empowered by it in this behalf may, at any time, by general or special order require a Government servant to submit, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or by any member of his family as may be specified in the order.

Such statement shall, if so required by the Government or by the authority so empowered, include details of the means by which, or the source from which, such property was acquired.

16. Vindication of acts and character of Govt. servants. — No Government servant shall, except with the previous sanction of the Government have recourse to any court or the press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of defamatory character.

Explanation: Nothing in this rule shall be deemed to prohibit a Government servant from vindicating his private character or any act done by him in his private capacity.

17. Canvassing of non-official or other outside influence. — No Government servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government.

18. Bigamous marriages. — (1) No Government servant who has a wife living shall contract another marriage without first obtaining the permission of the Government, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

(2) No female Government servant shall marry any person who has a wife living without first obtaining the permission of the Government.

19. Interpretation. — If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

With regard to the punishment to be imposed, no general orders can be issued. This will naturally have to be decided by the competent authority in each case with reference to the relevant facts and circumstances of the case.

20. Delegation of powers. — The Government may, by general or special order, direct that any power exercisable by it or any Head of Department under these rules (except the powers under rule 19 and this

rule), shall subject to such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.

21. Repeal and saving. — Any rules corresponding to these rules in force immediately before the commencement of these and applicable to the Government servants to whom these rules apply are hereby repealed: Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

T. Sivasankar

Lieutenant Governor of Goa, Daman and Diu

Panjim, 21st June, 1963.